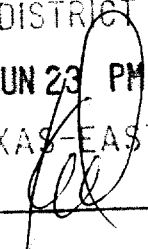


EOD JUN 23 '03

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FILED-CLERK
U.S. DISTRICT COURT
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TEXAS-EASTERN
BY 

NATIONAL INSTRUMENTS CORP.

§

Vs.

§

CIVIL ACTION NO. 2:01-CV-11



THE MATHWORKS, INC.

§

FINAL JUDGMENT AND PERMANENT INJUNCTION

The parties to this case selected a jury on January 6, 2003. The trial commenced on January 14, 2003 and the jury reached its verdict on January 30, 2003. In accordance with the jury's verdict and the court's post-trial rulings, the court renders the following judgment:

The jury having determined that the defendant, The Mathworks, Inc., has infringed or induced the infringement of claims 1, 2, 5, 6, 30, and 32 of United States Patent No. 5,301,336 (the "336 patent"), claims 1, 6, 24, 48, 75, 97, 98, and 101 of United States Patent No. 4,901,221 (the "221 patent"), and claim 1 of United States Patent No. 4,914,568 (the "568 patent") (herein collectively the "Infringed Claims"); the jury having failed to find infringement of the asserted claims of United States Patent No. 5,291,587 (the "587 patent"); the jury having failed to find that any of the asserted claims are invalid; and the court having made an award of supplemental damages, interest and costs, it is ORDERED, ADJUDGED AND DECREED that the plaintiff, National Instruments Corporation have and recover from the defendant The MathWorks, Inc., Three Million Five Hundred Thousand Dollars (\$3,500,000) in actual damages plus supplemental damages of Five

418

Hundred Seventy Thousand Five Hundred Thirty-Eight Dollars (\$570,538) for a total sum of Four Million Seventy Thousand Five Hundred Thirty-Eight Dollars (\$4,070,538). The court awards prejudgment interest in the amount of Sixty-Three Thousand Nine Hundred Seventy Dollars (\$63,970). This judgment shall bear interest at the lawful federal rate.

IT IS FURTHER ORDERED that

Except as otherwise authorized by 28 U.S.C. § 1498, The Mathworks, Inc., its officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them who receive actual notice hereof, are hereby restrained and enjoined, pursuant to 35 U.S.C. § 283 and Fed. R. Civ. P. 65(d), from making, using, offering to sell or selling in the United States, or causing to be made, used, offered for sale, or sold in the United States, Simulink, either alone or in combination with any other product and all other products that are only colorably different therefrom in the context of the Infringed Claims, whether individually or in combination with other products or as part of another product, and from otherwise infringing or inducing others to infringe the Infringed Claims of the patents-in-suit.

Nothing in this order shall preclude The Mathworks, Inc. from providing technical support to existing customers by helping such customers use products previously purchased from The Mathworks, Inc. or providing “bug fixes” to such products. Such “bug fixes” are limited to changes to a product that allow the product to re-establish material conformity with the description of the product’s operation in its related documentation.


This injunction shall run until the expiration of the last to expire of the ‘221, ‘336, and ‘568 patents.

National Instruments Corporation shall recover its costs of court.

Any pending motions, save and except those seeking to exceed page limitations are denied.

Any pending motions to exceed the page limitations of the local rules of this court are granted, as the court has considered all of the parties' submissions.

So **ORDERED** and **SIGNED** this 23rd day of June, 2003.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE